

**CITY OF ROLLING HILLS ESTATES**  
**LOS ANGELES COUNTY, CALIFORNIA**  
**ORDINANCE NO. 621**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES, AMENDING CHAPTER 8.38 (STORM WATER AND URBAN RUNOFF POLLUTION CONTROL) OF THE ROLLING HILLS ESTATES MUNICIPAL CODE TO MAKE CERTAIN CHANGES TO COMPLY WITH THE REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND STANDARD URBAN STORM WATER MITIGATION PLAN (SUSMP)**

THE CITY COUNCIL OF THE CITY OF ROLLING HILLS ESTATES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 8.38.010 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.010 Title.**

This Chapter shall be known as the City of Rolling Hills Estates Stormwater and Urban Runoff Pollution Control."

SECTION 2. Section 8.38.020 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.020 Findings.**

- A. The federal Clean Water Act provides for the regulation and reduction of pollutants discharged into waters of the United States by extending National Pollutant Discharge Elimination System (hereinafter "NPDES") requirements to stormwater and urban runoff discharged from municipal separate storm sewer systems (MS4) to waters of the United States.
- B. Stormwater and urban runoff flows from individual properties onto streets, then through municipal separate storm sewers (also known as the "storm drain system") passing through the city.
- C. The city is a co-permittee under the NPDES permit for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles (hereinafter "municipal NPDES permit"), and as a co-permittee, the city is required to amend and adopt a stormwater and urban runoff ordinance as necessary to enforce all requirements of the NPDES permit within its jurisdiction.
- D. The NPDES permit requires the city to prohibit certain non-stormwater discharges to the storm drain system.
- E. The NPDES permit requires the city to possess necessary legal authority to enforce all requirements of the NPDES permit.

- F. The provisions of the NPDES permit require the City to adopt and implement a Storm Water Quality Management Program (SQMP) to reduce the discharge of pollutants in stormwater to the maximum extent practicable (hereinafter “MEP”) and such storm water quality management program is to include, among others, requirements for public information and participation, industrial/commercial facilities control, development planning, development construction, public agency activities, and illicit connections and illicit discharges elimination. The current version of the City’s Storm Water Quality Management Program is on file in the office of the city clerk.
- G. The Clean Water Act requires that municipal permits require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system design and engineering methods.
- H. The City of Rolling Hills Estates storm and surface water drainage system is planned, designed and operated to handle stormwater and urban runoff flowing from public and private properties. In order to function effectively, this system requires that all private connections to it be properly constructed, maintained and operated in order to facilitate the proper functioning of the city’s storm and surface water drainage system and to prevent pollutants from entering receiving waters.
- I. The State Water Quality Control Board—Los Angeles Region has approved the Standard Urban Stormwater Mitigation Plan For Los Angeles County and Cities in Los Angeles County to address storm water pollution from new development and redevelopment projects proposed by the private sector and includes minimum required Best Management Practices (“BMPs”) for these projects.”

SECTION 3. Section 8.38.030 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.030 Purpose and intent.**

- A. The purpose of this chapter is to ensure the future health, safety and general welfare of the citizens of the city and the water quality of the receiving waters of the County of Los Angeles and surrounding coastal areas by:
  - 1. Reducing pollutants in stormwater discharges to the maximum extent practicable;
  - 2. Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of stormwater and urban runoff into the MS4; and
  - 3. Regulating nonstormwater discharges to the MS4.
- B. The intent of this chapter is to protect and enhance the quality of watercourses, water bodies, and wetlands within the city in a manner consistent with the federal Clean Water, the California Porter-Cologne Water Quality Control Act, and the municipal NPDES permits.

- C. This chapter is also intended to provide the city with legal authority as required by the municipal NPDES permit.
- D. This chapter also sets forth requirements for the construction and operation of certain new developments and redevelopment projects to ensure compliance with the stormwater mitigation measures prescribed in the current version of the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Regional Water Quality Control Board—Los Angeles Region and with the City's Storm Water Quality Management Program (SQMP), both on file in the office of the city clerk.
- E. This chapter authorizes the authorized enforcement officer to define and adopt applicable best management practices and other pollution control measures, to grant waivers from SUSMP requirements as provided herein, to inspect all public and private facilities for compliance with the requirements of this chapter, to cite infractions and impose fines pursuant to this chapter. Except as otherwise provided herein, the authorized enforcement officer shall administer, implement and enforce the provisions of this section.

**SECTION 4.** Section 8.38.040 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.040 Definitions**

Except as specifically provided herein, any term used in this chapter shall have the same meaning as that term is defined in the municipal NPDES permit and the Standard Urban Stormwater Management Plan approved by the State Water Quality Control Board—Los Angeles Region, or if it is not specifically defined in the municipal NPDES permit or the Standard Urban Stormwater Management Plan, then as such term is defined in the federal Clean Water Act, as amended, and/or the regulations promulgated thereunder.

"Authorized enforcement officer" means the city manager or his or her designee.

"City" means the City of Rolling Hills Estates.

"Municipal NPDES permit" means the "Waste Discharge Requirements for Municipal Storm Water and Urban Runoff Discharges within the County of Los Angeles, and the Incorporated Cities Therein, Except the City of Long Beach" in effect at the point of time in question.

"Illicit connection" means any human-made conveyance that is connected to the storm drain system without a permit. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

"Illicit discharge" means any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes, regulations or permits. This includes all non-stormwater discharges except discharges pursuant to a separate NPDES permit and discharges that are exempted or

conditionally exempted in accordance with the provisions of the Municipal NPDES permit.

“Regional Board” means the California Regional Water Quality Control Board—Los Angeles Region.

“Separate NPDES permit” means any waste discharge requirements issued by the State Water Resources Control Board as an NPDES permit (other than the municipal NPDES permit).”

SECTION 5. Section 8.38.050 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.050 Construction and application.**

This chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, the municipal NPDES permit and any amendment, revision or reissuance thereof, and the Standard Urban Stormwater Mitigation Plan (SUSMP) approved by the Regional Water Quality Control Board—Los Angeles Region and any amendment or revision thereof.”

SECTION 6. Section 8.38.060 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.060 Prohibited activities.**

- A. Illicit Discharges and Connections. It is prohibited to commence, establish, use, maintain or continue any illicit connections to the MS4 or any illicit discharges to the MS4. This prohibition against illicit connections applies to the use, maintenance, or continuation of any illicit connection, whether that connection was established prior to or after the effective date of the ordinance codified in this chapter.
- B. Littering. It is prohibited to throw, deposit, place, leave, maintain, keep, or permit to be thrown, deposited, placed, left, or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any or private plot of land in the city, so that the same might be or become a pollutant. No person shall throw or deposit litter in any fountain, pond, lake, stream, or other body of water within the city. This subsection shall not apply to refuse, rubbish or garbage deposited in containers, bags or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.
- C. Disposal of Landscape Debris. It is prohibited to intentionally dispose of leaves, dirt, or other landscape debris into the MS4.

- D. Non-stormwater Discharges. Non-storm water discharges to the municipal separate storm sewer system (MS4) are prohibited unless they are exempted by the Regional Board Executive Officer in accordance with the municipal NPDES permit.
- E. Discharges in Violation of the Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of the municipal NPDES permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify and hold harmless the city from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge."

SECTION 7. Section 8.38.070 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.070 Exempted discharges, conditionally exempted discharges, or designated discharges.**

Discharges from those activities specifically identified in the municipal NPDES permit as being exempted or designated discharges shall not be considered a violation of this chapter, provided that any applicable best management practices developed pursuant to the municipal NPDES permit are implemented to minimize any adverse impacts from such identified sources."

SECTION 8. Section 8.38.080 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.080 Good housekeeping provisions.**

Owners and occupants of property within the city shall comply with the following requirements:

- A. Septic Waste. No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste to precipitation in an area where a discharge to city streets or the MS4 may or does occur.
- B. Use of Water. Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable.
- C. Storage of Materials, Machinery, and Equipment. Wherever possible materials, machinery and equipment should be stored, repaired and maintained in a manner that does not expose them to stormwater. Materials, machinery or equipment that is to be repaired or maintained in exposure to stormwater shall be in accordance with BMPs so that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.
- D. Removal and Disposal of Debris from Industrial/Commercial Motor Vehicle Parking Lots. Industrial/commercial motor vehicle parking lots in exposure to stormwater shall be swept regularly or other equally effective measures shall be

utilized to remove debris from such parking lots employing BMPs in a manner that does not cause a discharge to the MS4.

- E. Food Wastes. Food wastes generated by nonresidential food service and food distribution sources shall be properly disposed of and in a manner so such waste are not discharged to the MS4.
- F. Best Management Practices. BMPs shall be used in areas exposed to stormwater for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries or other materials which have potential adverse impacts on water quality
- G. Industrial/Commercial Facilities Control Program. Industrial/Commercial Facilities identified as critical sources in the municipal NPDES permit must implement and comply with applicable BMPs specified by the SQMP and any other BMPs specified by the City as necessary to maintain or achieve water quality objectives. "

SECTION 9. Section 8.38.090 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.090 Requirements for industrial/commercial and construction activities.**

Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges, as may be issued by the U.S. Environmental Protection Agency (USEPA), the State Water Resources Control Board, or the Regional Board shall comply with all requirements of such permit. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the authorized enforcement officer prior to the issuance of any zone clearance, grading permit, building or occupancy permits, or any other type of permit or license issued by the city. Industrial/commercial and construction activities not subject to any general storm water permit addressing such discharges must comply with the provisions of SQMP as required by the municipal NPDES permit.

SECTION 10. Section 8.38.100 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.100 Enforcement**

**A. Violations Deemed a Public Nuisance.**

1. Any condition caused or permitted to exist in violation of any of the provisions of this chapter is determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance and may be abated or restored by any authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the city attorney.

2. The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs.
  3. If any violation of this chapter constitutes a seasonal and recurrent nuisance, the city manager shall so declare. The failure of any person to take appropriate annual precautions to prevent stormwater pollution after written notice of a determination under this paragraph shall constitute a public nuisance and violation of this chapter.
- B. Concealment. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation of such provision.
- C. Civil Actions. In addition to any other remedies provided in this section, any violation of this chapter may be enforced by civil action brought by the city. In any such action, the city may seek, as appropriate, any or all of the following remedies:
1. A temporary and/or permanent injunction;
  2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
  3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from violation;
  4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.
- D. Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this chapter, the authorized enforcement officer has the authority to utilize the following administrative remedies:
1. Cease and Desist Orders. When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this chapter, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such discharge and direct that those persons not complying shall: (a) comply with the requirement; (b) comply with a time schedule for compliance; and (c) take appropriate remedial or preventive action to prevent the violation from recurring.
  2. Notice to Clean. Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the MS4 or a nonstormwater discharge to the MS4, he or she may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

- E. Penalties. Violation of this chapter shall be punishable as a misdemeanor, punishable as set forth in Section 1.24.010 of this code. Each day that a violation continues shall constitute a separate offense.
- F. Permit Revocation. To the extent the city makes a provision of this chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this code.
- G. Remedies. Remedies specified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

**SECTION 11.** Section 8.38.105 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.015 Requirements for new development and redevelopment projects.**

- A. Urban Storm Water Mitigation. Projects submitted to the city for approval by the planning department or the building and safety department for new construction or redevelopment of a property shall incorporate BMPs in accordance with requirements of the municipal NPDES permit, provisions of the SUSMP and the SQMP.
- B. Applicable SUSMP provisions. Projects subject to the SUSMP shall incorporate all the SUSMP provisions applicable to all categories of projects as well as provisions for individual priority project categories when applicable.
- C. Numerical Design Criteria. Projects subject to Numerical Design Criteria under the municipal NPDES permit shall incorporate such required post-construction treatment control BMPs into plans submitted to the City.
- D. Approvals and permits. No zone clearance, grading or building permits may be issued for any new development or redevelopment project until the City confirms that the project plans comply with the applicable SQMP, SUSMP and municipal NPDES permit requirements.
- E. Review of project storm water mitigation plans by City. The City shall review the project storm water mitigation plans to assure that all applicable requirements have been addressed and that the applicant has identified BMPs necessary to protect the MS4 from discharges. If the plans are found to comply with the provisions of this section, the zone clearance, grading or building permits may be issued for the project. If, during construction, the plans are found to be deficient by the City or any other interested party, the applicant shall amend the plans to address the deficiency.
- F. Issuance of Certificates of Occupancy. As a condition for issuing a certificate of occupancy for new development or redevelopment project identified in this section, the city shall require facility operators and/or owners to build all the stormwater pollution control BMPs and structural or treatment BMPs that are

shown on the approved project plans and to submit a signed Certification Statement stating that the site and all Structural or Treatment Control BMPs will be maintained in compliance with the USWMP and other applicable regulatory requirements.

- G. Waiver. If after evaluating the issues related to a project the designer determines that all BMPs are impractical for the project, a waiver may be granted. The waiver for impracticability shall only be granted when all other structural or treatment BMPs have been considered and rejected as infeasible. Grounds for an impracticability waiver are identified in the SUSMP. Any justification not identified in the SUSMP must be separately petitioned by the city and submitted to the Regional Board for consideration. The supplementary waiver justification is recognized and effective only after approval by the Regional Board or the Regional Board Executive Officer. A waiver granted by the City to any development or redevelopment project may be revoked by the Regional Board Executive Officer for cause and with proper notice upon petition.
- H. Transfer of Properties Subject to Requirement for Maintenance of Structural and Treatment Control BMPs.
  - 1. The transfer or lease of a property subject to a requirement for maintenance of Structural and Treatment Control BMP's shall include conditions requiring the transferee and its successors and assigns to either (a) assume responsibility for maintenance of any existing Structural or Treatment Control BMP's or (b) to replace an existing Structural or Treatment Control BMP with new control measures or BMP's meeting the then current standards of the City and the USWMP. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all Structural or Treatment Control BMPs at least once a year and retain proof of inspection.
  - 2. For residential properties where the Structural or Treatment Control BMPs are located within a common area, which will be maintained by the Community Association or equivalent organization, appropriate arrangements shall be made with the Association regarding the responsibility for maintenance.
  - 3. If Structural or Treatment Control BMPs are located within an area proposed for dedication to a public agency, they will be the responsibility of the developer until the dedication is accepted.
- I. California Environmental Quality Act (CEQA). Provisions of this section shall be complementary to, and shall not replace or supersede, any applicable requirements for storm water mitigation required under CEQA."

SECTION 12. Section 8.38.110 of the Rolling Hills Estates Municipal Code is hereby amended to read as follows:

**"8.38.110      No taking.**

The provisions of this chapter shall not be construed or operate to deprive any property owner of substantially all of the market value of such owner's property or otherwise constitute an unconstitutional taking without compensation.

SECTION 13. Severability. If any section, subsection, subdivision, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, subdivision, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional.

SECTION 14. Effective Date. This Ordinance shall take effect on the 12<sup>th</sup> day of September 2002. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance to be published as required by law.

ADOPTED this 13<sup>th</sup> day of August 2002.

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SUSAN SEAMANS, MAYOR

ATTEST:

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DOUGLAS R. PRICHARD, CITY CLERK

I HEREBY CERTIFY that the above Ordinance No. 621 was regularly introduced and placed upon its first reading at a regular meeting of the City Council on the 9<sup>th</sup> day of July 2002, and was duly adopted and passed at a regular meeting of the City Council on the 13<sup>th</sup> day of August 2002, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I FURTHER CERTIFY that said Ordinance was thereon signed by the Mayor of the City of Rolling Hills Estates.

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DOUGLAS R. PRICHARD, CITY CLERK